

In the United States Court of Federal Claims

No. 20-1307C

(Filed: January 25, 2021)

HARMON-EL, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER TO SHOW CAUSE

On September 25, 2020, Plaintiffs filed a complaint in this Court against several states, government agencies, and private entities. ECF No. 1. On November 6, 2020, Plaintiffs filed a motion to proceed *in forma pauperis*. ECF No. 8. On November 23, 2020, the government filed a motion to dismiss for lack of subject matter jurisdiction. *See* 28 U.S.C. § 1491. ECF No. 9.

On December 29, 2020, Plaintiffs filed a motion for leave to file an amended complaint, *see* ECF No. 10, presumably to avoid the government's motion to dismiss. The government did not oppose Plaintiffs' request to file an amended complaint. *See* ECF No. 11. This Court granted Plaintiffs' motion on January 4, 2021, ordering Plaintiffs to file an amended complaint on or before January 18, 2021. ECF No. 12.

As of today, however, Plaintiffs still have yet to file an amended complaint, nor have they sought an extension of time in which to do so. Pursuant to Rule 41(b) of the Rules of the Court of Federal Claims ("RCFC"), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, the court may move to dismiss on its own motion."

Accordingly, Plaintiffs are **ORDERED** to show cause as to why this matter should not be dismissed for failure to prosecute, failure to file a timely amended complaint pursuant to this Court's order, and for the reasons contained in the

government's motion to dismiss. Plaintiffs' response to this Order shall be filed on or before **February 9, 2021**, and shall not to exceed 10 pages, double-spaced, 12 point, Times New Roman font. Plaintiffs shall not file an amended complaint prior to filing their response to this Order and without again seeking leave to file an amended complaint. Plaintiffs' failure to respond to this Order in a timely manner will result in dismissal of their case.

IT IS SO ORDERED.

s/Matthew H. Solomson
Matthew H. Solomson
Judge